

UNITED STATES DISTRICT COURT

DISTRICT OF SOUTH DAKOTA

WESTERN DIVISION

UNITED STATES OF AMERICA,)	CR. 07-50025-01-AWB
)	
Plaintiff,)	
)	
vs.)	ORDER DENYING MOTION
)	TO RECONSIDER
MICHAEL WALDRON,)	
RYAN LUMBERRY,)	
RICHARD FISHER,)	
)	
Defendants.)	

On June 13, 2008, Defendant Michael Waldron filed a motion for return of property seized as the result of a traffic stop on December 19, 2005. Docket 73. The Court granted the motion in part, but denied the motion with regard to firearms seized. Docket 75. On December 5, 2008, Defendant filed a motion for reconsideration requesting that the Court release Defendant's firearms. Docket 76. The Government opposes the motion. Docket 78.

The Court has reviewed the relevant filings on this matter, and it denies Defendant's motion for reconsideration. As the Court stated in its earlier order:

The Defendant is a convicted felon, and therefore his possession of a firearm would be a federal offense. In light of these facts, the Court denies Defendant's motion for return of the firearms seized in the December 19, 2005, traffic stop. Since Defendant's actual or constructive possession of the firearms would itself violate 18 U.S.C. § 922(g)(1), he is not entitled to return of the firearms to himself or to a designated family member or third party.

Docket 75, page 2. The Court is not persuaded by Defendant's motion to

reconsider that it should alter its earlier ruling. See United States v. Oleson, No. 01-CR-21-LRR, 2008 WL 2945458 (N.D. Iowa July 24, 2008); cf. United States v. Parsons, 472 F. Supp. 2d 1169 (N.D. Iowa 2007). Therefore, no good cause appearing, it is hereby

ORDERED that Defendant's motion for reconsideration, Docket 76, is DENIED.

Dated December 15, 2008.

BY THE COURT:

/s/ Andrew W. Bogue

ANDREW W. BOGUE
SENIOR DISTRICT JUDGE